

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 201907039	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 07/28/2019 8:00 PM, Sunday, 07/28/2019 8:00 PM, Sunday, 07/28/2019 8:00 PM	Location of Incident: [REDACTED]	Precinct: 46	18 Mo. SOL 1/28/2021	EO SOL 9/14/2021	
Date/Time CV Reported Sun, 07/28/2019 11:04 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 08/09/2019 10:49 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Joel Ayala	08262	954509	PBBX SU
2. POM Edmundo Rivera	00696	955382	PBBX SU
3. LT Anderson Ortiz	00000	949424	048 PCT
4. POM Keith Figueroa	28992	952729	PBBX SU
5. An officer			046 PCT
6. LT Kevin Kenny	00000	921461	PBBX SU

Officer(s)	Allegation	Investigator Recommendation
A.POM Edmundo Rivera	Abuse: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera threatened § 87(2)(b) with the use of force.	[REDACTED]
B.POM Edmundo Rivera	Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera spoke discourteously to § 87(2)(b).	[REDACTED]
C.POM Edmundo Rivera	Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera spoke discourteously to individuals.	[REDACTED]
D.POM Edmundo Rivera	Abuse: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera threatened individuals with the use of force.	[REDACTED]
E.POM Edmundo Rivera	Force: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera pointed his gun at individuals.	[REDACTED]
F.POM Edmundo Rivera	Force: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera used physical force against § 87(2)(b).	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
G.POM Edmundo Rivera	Force: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera used physical force against § 87(2)(b)	
H.POM Joel Ayala	Force: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala used physical force against § 87(2)(b)	
I.LT Kevin Kenny	Force: Outside of § 87(2)(b) in the Bronx, Lieutenant Kevin Kenny used physical force against § 87(2)(b)	
J.POM Joel Ayala	Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala spoke discourteously to individuals.	
K.POM Joel Ayala	Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala spoke discourteously to an individual.	
L.POM Joel Ayala	Force: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala used physical force against individuals.	
M.POM Edmundo Rivera	Force: Inside a police vehicle in the vicinity of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera used a chokehold against § 87(2)(b)	
N.POM Edmundo Rivera	Discourtesy: Inside a police vehicle in the vicinity of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera spoke discourteously to § 87(2)(b)	
O.POM Edmundo Rivera	Abuse: Inside a police vehicle in the vicinity of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera threatened § 87(2)(b) with the use of force.	
P.POM Joel Ayala	Abuse: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala interfered with § 87(2)(b)'s use of a recording device.	
Q. An officer	Abuse: Outside of § 87(2)(b) in the Bronx, an officer threatened § 87(2)(b) with the use of force.	
R. An officer	Discourtesy: Outside of § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)	
S.LT Anderson Ortiz	Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, Lieutenant Anderson Ortiz used physical force against § 87(2)(b)	
T.LT Anderson Ortiz	Discourtesy: At § 87(2)(b) and § 87(2)(b) in the Bronx, Lieutenant Anderson Ortiz spoke discourteously to § 87(2)(b)	
U.LT Anderson Ortiz	Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, Lieutenant Anderson Ortiz used physical force against § 87(2)(b)	
V. An officer	Discourtesy: At § 87(2)(b) and § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)	
W.POM Edmundo Rivera	Untruthful Stmt.: Police Officer Edmundo Rivera provided a misleading official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

On July 28, 2019, Captain Jeffrey Heilig of Patrol Borough Bronx Specialized Units filed this complaint with IAB via telephone on behalf of § 87(2)(b).

On July 28, 2019, at 8:00 p.m., § 87(2)(b) § 87(2)(b) who were friends, and a group of additional unidentified individuals were outside of § 87(2)(b) in the Bronx after the Dominican Day Parade. Police Officer Edmundo Rivera, Police Officer Joel Ayala, and Lieutenant Kevin Kenny, all of Patrol Borough Bronx Anti-Crime, were patrolling the confines of the 46th Precinct when they observed § 87(2)(b) and the unidentified individuals. When PO Rivera approached § 87(2)(b) he observed a firearm on his person. PO Rivera said to § 87(2)(b) “I’ll fuck you up. I’ll fucking shoot you. You will get shot” while arresting § 87(2)(b) § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g) and **Allegation B: Discourtesy**, § 87(2)(g) PO Rivera instructed the unidentified individuals who were observing § 87(2)(b) s arrest to “back the fuck up” (**Allegation C: Discourtesy**, § 87(2)(g) PO Rivera also told the unidentified individuals, “Back up. You will get shot. Do not come near us” and allegedly pointed a firearm at the unidentified individuals (**Allegation D: Abuse of Authority**, § 87(2)(g) and **Allegation E: Force**, § 87(2)(g) PO Rivera allegedly punched and elbowed § 87(2)(b) § 87(2)(b) in the face (**Allegation F: Force**, § 87(2)(g) PO Rivera, PO Ayala, and Lieutenant Kenny used a forcible takedown against § 87(2)(b) § 87(2)(b) (**Allegations G – I: Force**, § 87(2)(g) When the unidentified individuals asked the officers why § 87(2)(b) § 87(2)(b) was being arrested, PO Ayala responded, “Because he had a fucking gun” and told an unidentified individual to “move the fuck back” (**Allegations J and K: Discourtesy**, § 87(2)(g) As the officers walked § 87(2)(b) § 87(2)(b) to their vehicle, PO Ayala pushed at least two unidentified individuals on their chests, causing them to move back (**Allegation L: Force**, § 87(2)(g).

Inside the officers’ police vehicle, which was in the vicinity of § 87(2)(b) in the Bronx, PO Rivera used a chokehold against § 87(2)(b) who was handcuffed (**Allegation M: Force**, § 87(2)(g) PO Rivera told § 87(2)(b) “Stop fucking moving” (**Allegation N: Discourtesy**, § 87(2)(g) and, “Stop moving or I’m going to fuck you up. Don’t do anything stupid. I will fuck you up. You understand me?” (**Allegation O: Abuse of Authority**, § 87(2)(g).

After additional officers arrived at the location, PO Ayala interfered with § 87(2)(b) s use of a recording device (**Allegation P: Abuse of Authority**, § 87(2)(g) An unidentified officer pointed a taser at § 87(2)(b) during his arrest and told him to “get the fuck down” (**Allegation Q: Abuse of Authority**, § 87(2)(g) and **Allegation R: Discourtesy**, § 87(2)(g).

Lieutenant Anderson Ortiz of the 48th Precinct arrived in response to the request for additional units. At § 87(2)(b) and § 87(2)(b) in the Bronx, Lieutenant Ortiz used a forcible takedown against § 87(2)(b) who had run to the location after § 87(2)(b) s arrest (**Allegation S: Force**, § 87(2)(g) Lieutenant Ortiz allegedly told § 87(2)(b) “Don’t fucking move” and allegedly punched him in the face, resulting in a bloody and broken nose (**Allegation T: Discourtesy**, § 87(2)(g) and **Allegation U: Force**, § 87(2)(g)). After Lieutenant Ortiz lodged § 87(2)(b) into a marked vehicle, an officer allegedly told § 87(2)(b) “Watch where you spill your fucking blood in my car” (**Allegation V: Discourtesy**, § 87(2)(g).

PO Rivera provided a misleading official statement to the CCRB (**Allegation W: Untruthful Statement**, § 87(2)(g)). § 87(2)(g), § 87(4-b)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

Findings and Recommendations

Allegation (A) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera threatened § 87(2)(b) with the use of force.

Allegation (B) Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera spoke discourteously to § 87(2)(b).

The investigation established the following facts:

On July 28, 2019, at approximately 8:00 p.m., § 87(2)(b) and other unidentified individuals were standing in front of § 87(2)(b) in the Bronx after the Dominican Day Parade. PO Rivera, PO Ayala, and Lieutenant Kenny were patrolling the 46th Precinct, particularly along the parade route. As the officers drove down § 87(2)(b) they observed the unidentified individuals and exited their vehicle to approach them. PO Rivera recovered a firearm from § 87(2)(b) and arrested him as the group watched. The officers requested additional units, to which a large quantity of officers responded, including Lieutenant Ortiz. Upon arrival of the additional units, § 87(2)(b) and other unidentified individuals fled the scene. At § 87(2)(b) and § 87(2)(b) Lieutenant Ortiz used a forcible takedown against § 87(2)(b) Delgado and arrested him.

In PO Rivera's body-worn camera footage (BR 01-02), PO Rivera exits his vehicle and approaches § 87(2)(b) who is leaning against a parallel parked vehicle. PO Rivera frisks § 87(2)(b) and says, "Don't do anything stupid. I'll fuck you up. I'll fucking shoot you. Do not do anything stupid or you'll get shot. Don't fucking reach." The screen is black at the time PO Rivera makes these statements (<<00:37 – 01:05>>).

§ 87(2)(b) (BR 03) did not allege that PO Rivera used any profanity when speaking with him nor did he allege that PO Rivera threatened to shoot him.

PO Rivera (BR 04) testified that he, PO Ayala, and Lieutenant Kenny approached the group as they were playing loud music and blocking the sidewalk in front of § 87(2)(b). PO Rivera noticed "plumes of smoke," which he believed to be marijuana from the odor. Upon approaching § 87(2)(b) who was standing closest to PO Rivera, PO Rivera observed an L-shaped bulge in the front of § 87(2)(b)'s waistband, which PO Rivera believed to be a

firearm. § 87(2)(b) grew wide-eyed and jolted his body away from the vehicle he was leaning on. PO Rivera denied threatening to shoot § 87(2)(b) during his arrest.

PO Rivera reviewed his body-worn camera footage and denied that he made the statements, “I’ll fuck you up,” and, “I’ll fucking shoot you,” but could not attribute the voice to any other officer. PO Rivera did, however, acknowledge saying, “You will get shot,” though only said he made this statement to the group observing § 87(2)(b)’s arrest (see Allegation D), and not § 87(2)(b) (<<01:37>>).

Lieutenant Kenny (BR 05) testified that he was approximately 15 to 20 feet away from PO Rivera and § 87(2)(b) and speaking with another individual in the crowd when he saw PO Rivera struggling with § 87(2)(b). Lieutenant Kenny approached PO Rivera and § 87(2)(b) to assist. Lieutenant Kenny did not know if PO Rivera used any profanity when speaking with § 87(2)(b) and did not hear PO Rivera threaten to shoot § 87(2)(b). However, after reviewing PO Rivera’s body-worn camera footage, Lieutenant Kenny identified PO Rivera’s voice as the officer making the statements, “I’ll fuck you up” and, “I’ll fucking shoot you.”

PO Ayala (BR 06) testified that he was in the process of frisking § 87(2)(b) who was arrested later in the incident, approximately five to 10 feet away from PO Rivera when he heard PO Rivera say “gun” or “92,” which is code for a firearm. PO Rivera was struggling to remove the gun from § 87(2)(b)’s waistband and thus PO Ayala went over to assist. PO Ayala did not hear PO Rivera threaten to shoot anyone.

The investigation discredits PO Rivera’s testimony that he was not the person who made the statements, “Don’t do anything stupid. I’ll fuck you up. I’ll fucking shoot you. Do not do anything stupid or you’ll get shot” to § 87(2)(b) as he was the first officer to approach § 87(2)(b) and observe the firearm in § 87(2)(b)’s waistband. Additionally, per PO Rivera’s body-worn camera footage, the voice that says, “You will get shot,” to the group observing § 87(2)(b)’s arrest, which PO Rivera testified was his own, is similar to the voice that makes similar statements to § 87(2)(b). Finally, Lieutenant Kenny confirmed that the voice making the aforementioned statements was in fact PO Rivera’s.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. NYPD Patrol Guide Procedure 221-01 (BR 07).

Uniformed members of the service are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious injury. NYPD Patrol Guide Procedure 221-02 (BR 08).

While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143 (BR 09).

Officers are permitted to use profanity in the context of a dynamic situation over which officers are still attempting to gain control. Disciplinary Case 2015-15012 (BR 10).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (C) Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera spoke discourteously to individuals.

Allegation (D) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera threatened individuals with the use of force.

Allegation (E) Force: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera pointed his gun at individuals.

§ 87(2)§ 87(2)(b) testified that while officers were handcuffing him, PO Rivera pointed his gun at the unidentified individuals in the group, who § 87(2)§ 87(2)(b) identified as his friends, and told them to “stay back.” § 87(2)§ 87(2)(b) said that he did not know his friends’ legal names or nicknames, other than § 87(2)(b) s. § 87(2)§ 87(2)(b) did not allege that PO Rivera used any discourteous language when speaking with the unidentified individuals.

§ 87(2)(b) (BR 10) did not allege that PO Rivera spoke discourteously to or threatened the group of unidentified individuals observing § 87(2)(b) s arrest. § 87(2)(b) also did not allege that PO Rivera pointed his gun at the group.

In PO Rivera’s body-worn camera footage, after PO Rivera removes the firearm from the front of § 87(2)(b) s waistband, PO Rivera holds the firearm in his right hand before moving his right hand out of frame. PO Rivera turns to the unidentified individuals who are observing § 87(2)(b) s arrest and outnumber PO Rivera, PO Ayala, and Lieutenant Kenny, from at least five feet away and says, “Back the fuck up” while members of the ground make comments such as, “Chill, bro.” PO Rivera then points to the group of unidentified individuals with his left hand and says, “My man. You will get shot. Back up. Do not come near us.” Unidentified individuals yell back, “Nobody close to you” (<<01:13 – 01:43>>). At no point is the gun PO Rivera recovered from § 87(2)§ 87(2)(b) visibly pointed in the direction of the unidentified individuals.

PO Rivera testified that he “may have” told the crowd to “get back,” but he was mostly focused on § 87(2)(b) PO Rivera denied threatening to shoot anyone in the crowd or pointing a firearm at the crowd. After reviewing his body-worn camera footage, however, PO Rivera testified that he told the crowd, “You will get shot” because he had already removed a firearm from § 87(2)(b) did not know if any of the other individuals had firearms, and did not want the individuals in the crowd to approach the officers. PO Rivera said that Anti-Crime officers have to assume that if one member of a group is armed, everyone in the group is also armed. PO Rivera said, “I’m going to say anything I can to keep these individuals from trying to hurt me and my partners and get involved in the arrest.” PO Rivera said his goal was not to hurt anyone.

While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143.

Uniformed members of the service are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious injury. NYPD Patrol Guide Procedure 221-02.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (F) Force: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera used physical force against § 87(2)(b)

§ 87(2)(b) testified that when PO Rivera approached him, he grabbed his waist and arm from behind. PO Rivera did not say anything to § 87(2)(b). § 87(2)(b) refused to go to the ground by “putting pressure on himself,” but did not otherwise fight back. § 87(2)(b) s friends, who § 87(2)(b) could not identify, were screaming at PO § 87(2)(b) not to resist. PO Rivera punched § 87(2)(b) two times with his left hand on the left side of § 87(2)(b) s face. PO Rivera also elbowed § 87(2)(b) in the face. PO Rivera and § 87(2)(b) then fell to the ground.

§ 87(2)(b) did not allege that officers used any physical force against § 87(2)(b).

§ 87(2)(b) was unavailable to the investigation and thus a statement from him was not obtained.

PO Rivera testified that upon his approach, § 87(2)(b) took approximately three steps to his left and positioned his body to the right so that PO Rivera could not see the front of his waistband. PO Rivera put his left hand on the back of § 87(2)(b) s waist and right hand on the front of § 87(2)(b) s waistband, where he felt the firearm. PO Rivera then verbally alerted PO Ayala and Lieutenant Kenny that § 87(2)(b) was armed. PO Rivera escorted § 87(2)(b) to a wall of a nearby building to contain the area § 87(2)(b) was in. § 87(2)(b) kicked against the wall and swung his arms and elbows to get away from PO Rivera. When asked if he used any physical force against § 87(2)(b) PO Rivera said, “We’re affecting an arrest against someone who’s resisting. The whole situation is physical force.” PO Rivera denied punching or elbowing § 87(2)(b) in the face.

PO Ayala and Lieutenant Kenny consistently testified that when PO Rivera alerted them that § 87(2)(b) was armed, both officers saw PO Rivera struggling to get the gun from § 87(2)(b) s waistband. PO Ayala also added that § 87(2)(b) was also trying to get the gun from his waistband. PO Ayala and Lieutenant Kenny went over to assist PO Rivera. PO Ayala did not remember seeing PO Rivera punch or elbow § 87(2)(b) in the face, while Lieutenant Kenny denied seeing PO Rivera punch or elbow § 87(2)(b) in the face.

Neither PO Rivera’s nor PO Ayala’s body-worn camera footage clearly depict PO Rivera’s or § 87(2)(b) s actions at the time § 87(2)(b) alleged he was punched and elbowed in the face. In PO Rivera’s body-worn camera footage, PO Rivera approaches § 87(2)(b)

§ 87(2)(b) who moves away from a parallel parked vehicle. PO Rivera then grabs § 87(2)(b)'s right arm and begins frisking him. The screen is black at this time due to how close PO Rivera is standing to § 87(2)(b). When the image returns on the screen, § 87(2)(b) is hunched over, folded at the waist. PO Rivera then removes the firearm from § 87(2)(b) before turning his attention to the group of unidentified individuals (<<00:48 – 01:20>>).

PO Ayala's body-worn camera footage (BR 11, 02) begins with PO Ayala frisking § 87(2)(b) who was later arrested. PO Ayala then runs to his left, where PO Rivera pushes § 87(2)(b) against the wall of a nearby building. PO Ayala grabs § 87(2)(b)'s right arm and moves it behind his back. PO Ayala's camera then falls off and is not picked up until after § 87(2)(b) is handcuffed (<<00:00 – 01:00>>).

The investigation received negative results for a TRI prepared for § 87(2)(b) (BR 12).

§ 87(2)(b), § 87(2)(g)

Allegation (G) Force: Outside of § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera used physical force against § 87(2)(b)

Allegation (H) Force: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala used physical force against § 87(2)(b)

Allegation (I) Force: Outside of § 87(2)(b) in the Bronx, Lieutenant Kevin Kenny used physical force against § 87(2)(b)

It is undisputed that PO Rivera, PO Ayala, and Lieutenant Kenny brought § 87(2)(b) to the ground during the course of his arrest. It is also undisputed that § 87(2)(b) offered physical resistance during the course of his arrest.

§ 87(2)(b) testified that when PO Rivera approached him, he grabbed his waist and arm from behind. PO Rivera did not say anything to § 87(2)(b). § 87(2)(b) refused to go to the ground by "putting pressure on himself," but did not otherwise fight back. PO Rivera and § 87(2)(b) fell to the ground.

As mentioned above, PO Rivera testified that PO Rivera escorted § 87(2)(b) to a wall of a nearby building to contain the area § 87(2)(b) was in. § 87(2)(b) kicked against the wall and swung his arms and elbows to get away from PO Rivera. When asked if he used any physical force against § 87(2)(b), PO Rivera said, "We're affecting an arrest against someone who's resisting. The whole situation is physical force." After PO Rivera removed the firearm from § 87(2)(b)'s person, § 87(2)(b) continued to resist the officers' attempts to handcuff him and ended up on the ground. PO Rivera did not know if the officers used a forcible takedown or whether § 87(2)(b) and the officers ended up on the ground due to § 87(2)(b) resisting. Once § 87(2)(b) was on the ground, officers were able to handcuff him.

PO Ayala and Lieutenant Kenny consistently testified that when PO Rivera alerted them that § 87(2)(b) was armed, both officers saw PO Rivera struggling to get the gun from § 87(2)(b)'s waistband. PO Ayala and Lieutenant Kenny went over to assist PO Rivera.

According to PO Ayala, § 87(2)(b) "twisted and turned his body" to prevent officers from handcuffing him. PO Ayala and PO Rivera then "guided" § 87(2)(b) to the ground by

using a controlled takedown to gain control of § 87(2)(b)'s body. PO Ayala did not remember where he was in relation to § 87(2)§ 87(2)(b) when he took him to the ground and did not remember how § 87(2)§ 87(2)(b) landed on the ground.

Lieutenant Kenny testified that after approaching § 87(2)§ 87(2)(b) and PO Rivera, he grabbed § 87(2)(b)'s arms and wrists to put them behind his back, while also giving § 87(2)(b) verbal commands to do so. § 87(2)§ 87(2)(b) continued to “struggle and fight” with the officers, causing all three officers and § 87(2)§ 87(2)(b) to land on the ground. Lieutenant Kenny did not know if he and his partners used a forcible takedown against § 87(2)(b) but said “it could have been a forcible takedown.” Lieutenant Kenny landed on top of § 87(2)§ 87(2)(b) and § 87(2)§ 87(2)(b) continued to resist by refusing to put his arms behind his back, pulling his arms away, and kicking his feet. After approximately one minute, the officers were able to handcuff § 87(2)(b).

Neither PO Rivera's nor PO Ayala's body-worn camera footage clearly depict the officers' or § 87(2)(b)'s actions at the time of § 87(2)(b)'s arrest. In PO Rivera's body-worn camera footage, PO Rivera approaches § 87(2)(b) who moves away from a parallel parked vehicle. PO Rivera then grabs § 87(2)(b)'s right arm and begins frisking him. The screen is black at this time due to how close PO Rivera is standing to § 87(2)(b). When the image returns on the screen, § 87(2)§ 87(2)(b) is hunched over, folded at the waist. PO Rivera then removes the firearm from § 87(2)§ 87(2)(b) before turning his attention to the group of unidentified individuals (<<00:48 – 01:20>>).

PO Ayala's body-worn camera footage begins with PO Ayala frisking § 87(2)(b) who was later arrested. PO Ayala then runs to his left, where PO Rivera pushes § 87(2)§ 87(2)(b) against the wall of a nearby building. PO Ayala grabs § 87(2)(b)'s right arm and moves it behind his back. PO Ayala's camera then falls off and is not picked up until after § 87(2)§ 87(2)(b) is handcuffed (<<00:00 – 01:00>>).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. NYPD Patrol Guide Procedure 221-01.

The investigation received negative results for a TRI prepared for § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation (J) Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala spoke discourteously to individuals.

Allegation (K) Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala spoke discourteously to § 87(2)(b)

Allegation (L) Force: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala used physical force against individuals.

In PO Ayala's body-worn camera footage, after the officers arrest § 87(2)(b) the group of § 87(2)(b)'s friends ask the officers why they punched § 87(2)(b). PO Ayala responds, “Because he had a fucking gun,” and instructs the unidentified individuals to move back. As PO Rivera and Lieutenant Kenny walk § 87(2)§ 87(2)(b) to their vehicle, PO Ayala says,

is now in the driver's seat. Lieutenant Kenny throws the water bottle back out the window and begins driving. § 87(2)(b) says, "Get off of me, please. Damn, nigga, get off of me." PO Rivera responds, "No." § 87(2)(b) continues, "My neck. Nah, I'm serious. Oh, shit. My neck, bro," and § 87(2)(b)'s voice changes in pitch, as it begins to sound strained. PO Rivera then says, "Stop moving" to § 87(2)(b) several times. § 87(2)(b) responds, "I am." § 87(2)(b)'s lower torso and legs are visible at this time and he does not appear to be moving. PO Rivera continues to say, "I am, damn." Lieutenant Kenny stops the vehicle and exits with PO Ayala, while PO Rivera remains in the backseat with § 87(2)(b). PO Rivera says, "Stop moving or I'm going to fuck you up" (see Allegation O). § 87(2)(b)'s lower body is still visible and he does not appear to be moving. § 87(2)(b) says, "I'm not moving no more." PO Rivera says, "Don't do anything stupid. I will fuck you up. You understand me?" (see Allegation O) (<03:11 – 04:20>).

The investigation received cellphone video from § 87(2)(b) (BR 13), who was a member of the crowd at the time of § 87(2)(b)'s arrest. PO Ayala forwarded the video to the investigation after the undersigned had interviewed both him and PO Rivera. The video begins with Lieutenant Kenny and PO Ayala entering the driver's and passenger's seat, respectively. § 87(2)(b) and PO Rivera are already in the rear of the vehicle, but what is occurring in the backseat is not clear. As § 87(2)(b) gets closer to rear driver's side of the vehicle, PO Rivera appears to have his right arm wrapped around the upper part of § 87(2)(b)'s body while § 87(2)(b) appears to be partially bent over at the waist. PO Rivera leans into the left side of § 87(2)(b)'s body so that the right side of § 87(2)(b)'s body is pushed against the door. The footage then becomes shaky and unclear as Lieutenant Kenny drives away (<00:00 – 00:10>).

§ 87(2)(b) testified that no physical force was used against him while he was in the car and that the officers did not make any statements to him in the vehicle.

§ 87(2)(b) was unavailable to the investigation and thus a statement from him was not obtained (see IAs for contact attempts).

As mentioned above, at the time of PO Rivera's interview, the investigation did not have the video taken by § 87(2)(b). During PO Rivera's initial testimony, PO Rivera said that once in the vehicle, § 87(2)(b) continued to resist by kicking PO Rivera in the leg and trying to lean away from him. § 87(2)(b) also attempted to remove the firearm, which PO Rivera had recovered from § 87(2)(b)'s person and placed into the right pocket of his cargo shorts, from his shorts pocket while he and § 87(2)(b) were leaning against the car door. PO Rivera looped his arm through § 87(2)(b)'s rear-handcuffed left arm and grabbed the front of § 87(2)(b)'s t-shirt. PO Rivera denied making any contact with § 87(2)(b)'s neck. After reviewing his body-worn camera footage in which § 87(2)(b) makes several comments about his neck, PO Rivera said he had no recollection of ever making contact with § 87(2)(b)'s neck and said, "It's not atypical of a perp to try and say anything to help their case." PO Rivera denied using any physical force against § 87(2)(b) in the vehicle.

After the video taken by § 87(2)(b) was received, PO Rivera was interviewed a second time and presented with the video. PO Rivera (BR 14) denied making contact with § 87(2)(b)'s neck in the video or using a chokehold, and said that it looked like he was making contact with § 87(2)(b)'s arm or torso. PO Rivera looped his right arm around § 87(2)(b)'s right or left handcuffed arm and around the front of § 87(2)(b)'s body, toward the front of § 87(2)(b)'s arm, to securely grasp § 87(2)(b) and prevent him from removing the firearm from PO Rivera's pocket. PO Rivera did not see § 87(2)(b).

attempt to remove the firearm from PO Rivera's pocket in the video, but independently remembered this occurring.

Both PO Ayala and Lieutenant Kenny reviewed PO Rivera's body-worn camera footage in which § 87(2)(b) § 87(2)(b) complains about his neck. PO Ayala said he did not know what was going on in the backseat because his focus was on trying to leave the location safely. Lieutenant Kenny testified that PO Rivera was "controlling" § 87(2)(b) § 87(2)(b) in the backseat, but did not see what PO Rivera was doing to control § 87(2)(b) § 87(2)(b). Lieutenant Kenny did not see PO Rivera make contact with § 87(2)(b) § 87(2)(b)'s neck.

A chokehold shall include, but is not limited to, any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow. Members of the service shall not use a chokehold or use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape, or to overcome active physical resistance or assault. NYPD Patrol Guide Procedure 221-01.

§ 87(2)(b), § 87(2)(g)

Allegation (N) Discourtesy: Inside a police vehicle in the vicinity of § 87(2)(b) § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera spoke discourteously to § 87(2)(b) § 87(2)(b).

Allegation (O) Abuse of Authority: Inside a police vehicle in the vicinity of § 87(2)(b) § 87(2)(b) in the Bronx, Police Officer Edmundo Rivera threatened § 87(2)(b) § 87(2)(b) with the use of force.

As discussed in Allegation M, in PO Rivera's body-worn camera footage, Lieutenant Kenny places § 87(2)(b) § 87(2)(b) who is handcuffed, in the back of the police vehicle, so that § 87(2)(b) § 87(2)(b) is sitting in the rear passenger's seat. PO Rivera enters the backseat of the police vehicle through the back driver's side door. § 87(2)(b) § 87(2)(b) appears to move to his left, in the direction of PO Rivera, before the camera becomes blurry. PO Rivera stays, "Stop fucking moving," twice (<<03:23 – 03:31>>). After an unidentified individual throws a water bottle into the vehicle, Lieutenant Kenny drives away from the location to the end of the block, where he stops the vehicle and exits with PO Ayala. PO Rivera tells § 87(2)(b) § 87(2)(b) who is not moving, "Stop moving or I'm going to fuck you up." § 87(2)(b) § 87(2)(b)'s lower body is still visible and he does not appear to be moving. § 87(2)(b) § 87(2)(b) says, "I'm not moving no more." PO Rivera says, "Don't do anything stupid. I will fuck you up. You understand me?" (<<03:34 – 04:20>>).

As mentioned in Allegation M, § 87(2)(b) § 87(2)(b) testified that none of the officers said anything to him when he was inside the vehicle.

PO Rivera testified that he made the statement, "I'll fuck you up" because § 87(2)(b) § 87(2)(b).

§ 87(2)(b) was moving toward him and PO Rivera had the gun recovered from § 87(2)§ 87(2)(b) in his pocket. PO Rivera added, “I’m going to say anything I can to get to stop moving, stop resisting, to no longer be a threat.”

Officers are permitted to use profanity in the context of a dynamic situation over which officers are still attempting to gain control. Disciplinary Case 2015-15012.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. Members of service are prohibited from using any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault. NYPD Patrol Guide Procedure 221-01.

§ 87(2)(b), § 87(2)(g)

Allegation (P) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Police Officer Joel Ayala interfered with § 87(2)(b) s use of a recording device.

After § 87(2)§ 87(2)(b) was placed into the vehicle and the officers began to drive down the block, officers began responding to the officers’ request for additional units. Lieutenant Kenny then stopped the car and exited with PO Ayala.

In PO Ayala’s body-worn camera footage, PO Ayala exits the vehicle and runs back down § 87(2)(b) in the direction of § 87(2)(b) PO Ayala says to no one in particular, “Who want it now? Let’s be tough now.” § 87(2)(b) a Black male who is wearing a white tank top and standing against a chain-linked fence, says, “I’m recording everything,” to which PO Ayala responds, “Yeah, and you’re going to jail for it.” § 87(2)(b) responds, “For what? For recording?” to which PO Ayala responds, “Because you got proof. Put your hands behind your back.” PO Ayala then grabs § 87(2)(b) s arms and removes his phone from his hand. Uniformed officers arrive, one of which points a taser at § 87(2)(b) and instructs him to “get the fuck down.” PO Ayala says, “Cuff him. Cuff him” before leaving the area (<<02:58 – 03:23>>).

PO Ayala testified that after the officers placed § 87(2)§ 87(2)(b) into their vehicle, the group of males approached the officers’ vehicle, kicked it, and threw a water bottle through the open driver’s side window, which struck Lieutenant Kenny. Lieutenant Kenny drove half a block down the street to get away from the group, as they continued to attempt to hit the vehicle with bottles. When the additional units started to respond, PO Ayala exited the vehicle and went to § 87(2)(b) to speak with the additional units and instruct them to arrest the individuals in the crowd for obstructing the officers’ duties. Upon reviewing his body-worn camera footage, PO Ayala said that he told § 87(2)(b) he was “going to jail” because he had obstructed the officers earlier in the incident when they were arresting § 87(2)(b) not because § 87(2)(b)

§ 87(2)(b) was recording.

§ 87(2)(b) was arrested and released with a criminal court summons prepared by PO Ayala for disorderly conduct. As mentioned throughout this report, § 87(2)(b) was unavailable to the investigation.

Individuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force. The right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual who is observing/recording. NYPD Administrative Guide Procedure 304-21 (BR 15).

§ 87(2)(b), § 87(2)(g)

Allegation (Q) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, an officer threatened § 87(2)(b) with the use of force.

Allegation (R) Discourtesy: Outside of § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)

As mentioned above, PO Ayala's body-worn camera video depicts a group of uniformed officers arrive after PO Ayala removes the cellphone from § 87(2)(b)'s hand. One of the officers points a taser at § 87(2)(b) and instructs him to "get the fuck down." PO Ayala says, "Cuff him. Cuff him" before leaving the area (<<02:58 – 03:23>>).

§ 87(2)(b) was unavailable to the investigation and thus a statement was not obtained from him.

Neither § 87(2)(b) Delgado nor § 87(2)(b) testified that officers pointed a taser at anyone during the incident.

None of the uniformed officers' names or shield numbers were visible in the footage.

PO Ayala reviewed the portion of his body-worn camera footage which shows a uniformed officer point his taser at § 87(2)(b) and say, "Get the fuck down." PO Ayala could not identify any of the officers depicted in the footage.

§ 87(2)(b), § 87(2)(g)

Allegation (S) Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, Lieutenant Anderson Ortiz used physical force against § 87(2)(b)

Allegation (T) Discourtesy: At § 87(2)(b) and § 87(2)(b) in the Bronx, Lieutenant Anderson Ortiz spoke discourteously to § 87(2)(b)

Allegation (U) Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, Lieutenant Anderson Ortiz used physical force against § 87(2)(b)

§ 87(2)(b) (BR 16) testified that he and his two friends, § 87(2)(b) and § 87(2)(b) whose last names he did not know, were walking to § 87(2)(b)'s house at to corner of § 87(2)(b) in the Bronx. § 87(2)(b) saw a group of approximately 20

kids, whom he knew from the neighborhood, at the intersection of § 87(2)(b) and § 87(2)(b). § 87(2)(b) saw three plainclothes officers enter their vehicle. § 87(2)(b) and § 87(2)(b) continued to walk and none of the officers said anything to them. When § 87(2)(b) and § 87(2)(b) got to the middle of § 87(2)(b) between § 87(2)(b) and § 87(2)(b), § 87(2)(b) started running. Because § 87(2)(b) started running, § 87(2)(b) and § 87(2)(b) also began running. As § 87(2)(b) started running, he turned around and saw approximately 10 uniformed officers running in various directions and Lieutenant Ortiz running behind him. § 87(2)(b) stopped running at the corner of § 87(2)(b) and § 87(2)(b). Lieutenant Ortiz immediately wrapped his arms around § 87(2)(b)'s torso area and tackled him to the ground from behind. § 87(2)(b) landed on his knees and then fell flat to the ground, but his face did not contact the ground. Lieutenant Ortiz said, "Don't fucking move." § 87(2)(b) denied doing anything physical with his body on the ground. Lieutenant Ortiz then turned § 87(2)(b) over so that § 87(2)(b) was on his back, and punched § 87(2)(b) two times in the nose with his right fist. Lieutenant Ortiz then moved § 87(2)(b) back onto his stomach and handcuffed him. § 87(2)(b) was bleeding profusely from his nose as a result of Lieutenant Ortiz's punches.

According to § 87(2)(b)'s medical records, § 87(2)(b) sought treatment at § 87(2)(b) in the Bronx on July 28, 2019 at 9:50 p.m. while in NYPD custody. § 87(2)(b) said he was assaulted and hit in the face by a cop. A CT scan was performed, which returned evidence of a nasal bone fracture with displacement (see medical records).

§ 87(2)(b)'s interaction with Lieutenant Ortiz is not captured on body-worn camera until after § 87(2)(b) is already in handcuffs. In Lieutenant Ortiz's body-worn camera footage (BR 17, 02), Lieutenant Ortiz hands § 87(2)(b) to uniformed officers before proceeding to his vehicle. § 87(2)(b)'s nose is not visible in the footage (<<00:00 – 00:13>>). However, in PO Rivera's body-worn camera footage, § 87(2)(b) is present while the officers walk § 87(2)(b) toward the police vehicle. § 87(2)(b) Delgado does not appear to have any blood on his t-shirt (BR 18). In PO Figueroa's body-worn camera footage (BR 19, 02), which begins at the stationhouse, PO Figueroa walks § 87(2)(b) toward the cell area with several other prisoners. § 87(2)(b) has spots of blood on the chest and shoulder area of his white t-shirt and is bleeding heavily from his nose, which appears displaced (<<00:00 – 00:58>>).

Lieutenant Ortiz (BR 20) testified that he responded to a radio run requesting assistance at § 87(2)(b) and Field Place in the Bronx. Upon his arrival, several uniformed and plainclothes officers were attempting to stop a group of approximately less than 10 males running northbound on § 87(2)(b). The officers were issuing commands to stop, but the individuals kept running. Lieutenant Ortiz did not remember speaking with any officers upon his arrival to determine why the foot pursuits were occurring. Lieutenant Ortiz observed § 87(2)(b) also running northbound on § 87(2)(b). Lieutenant Ortiz ran after § 87(2)(b) but did not say anything to him. After chasing § 87(2)(b) for approximately one block, § 87(2)(b) ducked down next to the side of a parked vehicle on the street. Lieutenant Ortiz went around the front of the parked vehicle. When § 87(2)(b) turned around, as he was watching another foot pursuit, he collided into Lieutenant Ortiz. Lieutenant Ortiz then tackled § 87(2)(b) to the ground causing both § 87(2)(b) and Lieutenant Ortiz to fall to the ground. Lieutenant Ortiz denied saying anything to § 87(2)(b) and did not remember saying, "Don't fucking move." Lieutenant Ortiz believed § 87(2)(b) landed on the ground face first, but he did not remember for certain. Lieutenant Ortiz denied punching § 87(2)(b).

§ 87(2)(b) in the face. Other officers, whom Lieutenant Ortiz could not identify, arrived on scene and handcuffed § 87(2)(b). When Lieutenant Ortiz lifted § 87(2)(b) off the ground, he was face-to-face with him and did not observe any injuries on § 87(2)(b)'s person. However, at the 46th Precinct stationhouse, an officer, whose identity Lieutenant Ortiz did not remember, informed him that § 87(2)(b) had a bloody nose. Lieutenant Ortiz did not know how § 87(2)(b) sustained the injury and never saw the injury himself.

Lieutenant Ortiz explained that his body-worn camera fell off during his foot pursuit with § 87(2)(b) which is why no footage exists of the foot pursuit and ensuing arrest.

Lieutenant Ortiz prepared a TRI (BR 21) for § 87(2)(b) which was consistent with his testimony that he used a forcible takedown because § 87(2)(b) was fleeing. The TRI also indicates that § 87(2)(b) suffered a “broken/dislocated nose” as well as minor lacerations/abrasions.

§ 87(2)(b), § 87(2)(g)

Allegation (V) Discourtesy: At § 87(2)(b), § 87(2)(b) and § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that after Lieutenant Ortiz handcuffed him, Lieutenant Ortiz put § 87(2)(b) into the back of a marked police vehicle. A uniformed officer, whom § 87(2)(b) described as a male with light complexion, black hair, taller than 5’6”, slightly heavysset, and approximately in his 30s, stood outside the door of the vehicle with the back door open. The officer said, “Watch where you spill your fucking blood in my car.” § 87(2)(b) saw the officer’s name, “Phillips,” on his uniform.

According to CTS+, no officers with the last name “Phillips” were assigned to the 46th Precinct at the time of the incident. Police Officer Michael Phipps, however, was assigned to the 46th Precinct. Per Roll Call, PO Phipps was not working on the date of this incident and thus was not interviewed (BR 23). No other officers with the last name “Phillips,” or something similar, were assigned to the nearby 48th and 52nd Precincts.

As PO Figueroa was with § 87(2)(b) at the stationhouse, the investigation interviewed him. PO Figueroa (BR 22) said that he responded to a request for additional units from the other Bronx Anti-Crime team and upon his arrival at § 87(2)(b) there were a “massive amount” of both civilians and officers. Lieutenant Ortiz immediately approached PO Figueroa and his partner, Police Officer John Avellino of Patrol Borough Bronx Anti-Crime, and instructed them to transport § 87(2)(b) and another arrested male to the 46th Precinct stationhouse. § 87(2)(b)'s nose was swollen and had

dried blood on it, but it was not actively bleeding. PO Figueroa denied telling § 87(2)(b) “Watch where you spill your fucking blood in my car” or hearing PO Avellino make that statement.

PO Figueroa did not have his body-worn camera activated when he responded to the scene and thus there is no video footage of his interactions with § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation (W) Untruthful Statement: Police Officer Edmundo Rivera provided a misleading official statement to the CCRB.

There is evidence to suggest that PO Rivera provided a misleading statement during his testimony about using a chokehold against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Although the video provided by § 87(2)(b) does not clearly depict where PO Rivera’s arm is in relation to § 87(2)(b)’s body, § 87(2)(b)’s statements about his neck and the strain in his voice in PO Rivera’s body-worn camera footage suggest that a chokehold was being used.

In his initial interview, before the investigation had received § 87(2)(b)’s cellphone video, PO Rivera denied making any contact with § 87(2)(b)’s neck in the back of the vehicle. When presented with his body-worn camera video which captures § 87(2) § 87(2)(b) making the statements about his neck, PO Rivera then testified that he had no recollection of making contact with § 87(2)(b)’s neck.

In his second interview, after the investigation received § 87(2)(b)’s cellphone video, PO Rivera denied seeing himself make contact with § 87(2)(b)’s neck in the video and said it looked like he was making contact with § 87(2)(b)’s arm or torso, and that his arm was around § 87(2)(b)’s arm, since § 87(2) § 87(2)(b) was cuffed. PO Rivera confirmed that his arm was around the front of § 87(2)(b)’s body, but could not tell where on the front of § 87(2)(b)’s body he was making contact in the video. PO Rivera denied using a chokehold against § 87(2) § 87(2)(b) in the backseat of the vehicle.

Officers are prohibited from intentionally making a misleading official statement, which is defined as a statement that is intended to misdirect the fact finder and materially alter the narrative by: (a) intentionally omitting a material fact or facts; (b) making repeated claims of “I do not remember” or “I do not know” when a reasonable person under similar circumstances would recall, or have been aware of, such material facts; or (c) altering and/or changing a member’s prior statement or account when a member of the service is confronted with independent evidence indicating that an event did not occur as initially described. NYPD Administrative Guide 304-10 (BR 36).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

[Redacted text block]

§ 87(2)(b), § 87(4-b), § 87(2)(g)

[Redacted text block]

§ 87(2)(b), § 87(4-b), § 87(2)(g)

[Redacted text block]

§ 87(2)(b), § 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been parties (BR 26-27).
- § 87(2)(b)
 - - Lieutenant Kenny has been a member of service for 23 years and has been named a subject in 10 cases and 30 allegations, one of which was substantiated.
 - 201808002 involved a substantiated allegation of a stop of a person. The Board recommended Command Discipline B and the NYPD imposed Command Discipline A.
 - Lieutenant Kenny's CCRB history does not reflect any apparent pattern pertinent to this investigation.
 - Lieutenant Ortiz has been a member of service for 10 years and has been named a subject in 12 cases and 27 charges, four of which were substantiated:
 - 201510324 involved substantiated allegations of a frisk, refusal to provide name/shield number, search of a person, and vehicle search. The Board recommended Command Discipline A and the NYPD did not impose discipline.
 - Lieutenant Ortiz's CCRB history does not reflect any apparent pattern pertinent to this investigation.
 - PO Ayala has been a member of service for seven years and has been named a subject in 12 cases and 38 allegations, seven of which were substantiated:
 - 201605007 involved a substantiated allegation of a stop of a person. The Board recommended Command Discipline A and the NYPD imposed formalized training.
 - 201607995 involved three substantiated allegations of a vehicle search and three

- Det. Ayala's CCRB history does not reflect any apparent pattern pertinent to this investigation.

- ## Mediation, Civil, and Criminal Histories

- CCRB CTS – Confidential

Squad: 14

Investigator:	<u>Casey McCann</u>	<u>Inv. Casey McCann</u>	<u>09/03/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Cassandra Fenkel</u>	<u>IM Cassandra Fenkel</u>	<u>09/03/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date